D. Development Standards:

(1) On-site Sewage Disposal Systems. An alternative waste system (see definition, Appendix) shall be required for all new systems and replacement of existing systems and shall only be placed landward of the primary structure.

(2) Elevated patios, gazebos up to four hundred (400) square feet in floor area, decks, and walkways, and caged or non-caged swimming pools shall maintain a minimum setback of one hundred (100) feet landward of Zone 4. All other accessory structures except docs and piers shall maintain a one hundred and fifty- (150) foot setback landward of Zone 4.

[Added 8-6-2024 by Ord. No. 2024-13, § 3.05(Exh.A)]

Sec. 6.6.5. Variances.

The Zoning Hearing Officer may grant a variance to the Myakka River Protection Zone regulations pursuant to the variance criteria and process per Chapter 2, Article II., Section 2.2.18. of this ULDC, provided such variance shall not allow construction or development within one hundred (100) feet of Zone 4.

[Added 8-6-2024 by Ord. No. 2024-13, § 3.05(Exh.A)]

ARTICLE VII. TREE PROTECTION REGULATIONS

Sec. 6.7.1. Generally.

A. The purpose of this article is to establish rules and regulations governing the protection of trees as a valuable community resource within the City; to encourage the proliferation of trees within the City as well as their replacement; to recognize their importance and their meaningful contribution to a healthy, beautiful, and safer community attributable to their carbon dioxide absorption, oxygen production, dust filtration, wind and noise reduction, soil erosion prevention, wildlife habitat, surface drainage improvement, beautification and aesthetic enhancement of improved and vacant lands; and the general promotion of the health, safety, welfare and well-being of the community.

B. Except where exempted herein, no development, site clearing, or tree removal may commence until the ULDC Administrator approves the development via the appropriate review process outlined in Section 6.1.2.B.

[Added 8-6-2024 by Ord. No. 2024-13, § 3.05(Exh.A)]

Sec. 6.7.2. Exemptions.

A. Exempt Agencies: Federal, county, and municipal government agencies and public utilities.

B. Exempt Trees:

(1) Any on the list of prohibited plant species list, Chapter 4, Article III., Section 4.3.5. of this ULDC, or any tree species on the most recent Florida Exotic Pest Plant Council Category I list of invasive species.

(2) Dead trees on vacant property, as verified by the ULDC Administrator or a certified International Society of Arboriculture (ISA) arborist only with the approval of the property owner;

(3) Trees on private or public property that pose an imminent danger to the public as determined by the ULDC Administrator in accordance with tree risk assessment language, defined by the International Society of Arboriculture (ISA).

(4) Trees planted on the premises of a plant nursery or tree farm that have been grown expressly for the purpose of selling.

C. Exempt Conditions:

(1) The property owner possesses documentation from an arborist, certified by the ISA, or a Florida licensed landscape architect, stating that the tree poses an unacceptable risk to persons or property. A tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate, as determined by the tree risk assessment procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017). Replanting shall not be required for a tree that was pruned, trimmed, or removed in accordance with Florida Statute 163.045.

(2) Where the ULDC Administrator has suspended enforcement of all or part of these regulations due to natural disasters such as hurricanes, tornadoes, floods, storms/ high winds, hard freezes, fires, The waiver shall apply to a geographically defined area for a period not to exceed ninety (90) days. Longer periods of suspension shall require city commission approval.

[Added 8-6-2024 by Ord. No. 2024-13, § 3.05(Exh.A)]

Sec. 6.7.3. Harmful acts.

A. Nothing in this section shall be construed to prevent reasonable and proper trimming of trees on public or private property by authorized persons in accordance American National Standards Institute (ANSI) A300 Tree Care Standards.

B. No person shall abuse, mutilate, or otherwise damage any tree, including those trees located in the public right-of-way. Any person who mutilates a tree in conflict with this article shall be required to remove the tree and will be required replace trees to meet the minimum tree planting requirements per Chapter 4, Article III. of this ULDC.

C. No person shall attach any signs in an injurious manner to any tree, nor shall any person cause any substance harmful to trees to touch them or prevent water or oxygen from reaching their roots by excessive cut and fill activities.

[Added 8-6-2024 by Ord. No. 2024-13, § 3.05(Exh.A)]

Sec. 6.7.4. Protection regulations.

Heritage tree/protected tree removal shall only be authorized in compliance with this section.

A. New Development Clearing and Tree Removal.

(1) Tree Survey and Tree Preservation and Protection Plan Required. Except as provided for in Paragraph (2) below, a tree location survey, and if trees are proposed to remain on site, a tree preservation and protection plan as described in Chapter 2, Article III., Section 2.3.2.of this ULDC is required, which plan, for Preliminary Subdivision Plat or Site Development and Infrastructure Plans shall depict tree preservation percentages meeting the requirements of Chapter 4, Article I., Section 4.1.3. of this ULDC.

(2) One-and-Two-Family Lot Clearing and Tree Removal. At the option of the property owner, instead of providing a tree survey and mitigation per tree removed, clearing and tree removal may be authorized subject to payment of an environmental mitigation fee per the City fee schedule. However, if a heritage tree(s) is identified on the property by Natural Resources Division staff upon initial site inspection, payment of the heritage tree removal fee per the City fee schedule will also be required, unless the tree is identified for preservation and the required tree protection zone barrier is installed and maintained through the course of development.

(3) Heritage Tree Designation. Criteria for designation as a Heritage tree are provided in the table below which are in addition to the requirement that the tree has a Condition Classification of seventy percent (70%) or greater, as defined by the "Guide for Plant Appraisal" latest edition, published by the ISA.

TABLE 6.7.4.1.

Heritage Tree Designation Points

SPECIES	MEASUREMENT	POINTS	POINTS FOR HERITAGE TREE DESIGNATION
Native Trees (all)	24 DBH[1] or larger	-	-

SPECIES	MEASUREMENT	POINTS	POINTS FOR HERITAGE TREE DESIGNATION
Bald Cypress (*Taxodium distichum*) Hickory (*Carya spp.*) Live Oak (*Quercus virginiana*) Sand Live Oak (*Quercus geminata*) Southern Magnolia (*Magnolia grandiflora*) Southern Red Cedar (*Juniperus silicicola*)	DBH	1 per inch	80
	Height[2]	1 per foot	
	Canopy spread[3]	1 per 4 feet	
Pine (*Pinus spp.*)	DBH	1 per inch	60
	Height	1 per foot	
	Canopy spread	1 per 4 feet	

[1] Diameter at breast height.

[2] Height measured to the nearest foot.

[3] Measure the longest and shortest diameters of the limb spread or drip line and divide by two (2).

(4) Heritage Tree Protection and Preservation. Recognizing the exceptional contribution of heritage trees to the city's ecosystem, their importance must be acknowledged. Developers are required to make every effort to accommodate existing heritage trees on site, considering removal as the last available option. Healthy heritage trees shall be preserved and protected and may not be removed unless ULDC Administrator determines that preservation would result in the conditions listed in subsections a. or b. below. In those cases, approval will be granted subject to satisfying the mitigation requirements provided for herein.

a. The ULDC Administrator determines that a primary structure and common residential accessory structures of a scale consistent with other one-and-two-family development in the City may not be developed in conjunction with preservation of heritage trees.

b. The ULDC Administrator determines, for all other development types, that the site may not be redesigned at the same level of intensity in conjunction with the preservation of heritages tree due to flood zones, soils or topography of the site, access management constraints, or height restrictions.

(5) Tree Mitigation Required. The following provides tree mitigation as a basis for offsetting the loss of tree canopy based on species and size. Mitigation for Heritage tree removal shall require payment of a fee per the City fee schedule. Mitigation fees for protected trees is based on mitigation points and shall be paid per the City fee schedule.

TABLE 6.7.4.2.

Protected Tree Mitigation Points

PROTECTED TREE SPECIES	**MITIGATION POINT BASIS**[1]
Heritage Trees	Not applicable. Fee for removal per City fee schedule.
Protected Scrub Oaks, Live Oaks, and Laurel Oaks	DBH[2]
Slash Pines, Longleaf Pines	DBH divided by 3
Sabal Palms (4.5 feet or more of clear trunk height)	4 Points per Palm

[1] Tree mitigation fees for heavily wooded parcels or combined parcels for development of 100-acres or larger, with an approved alternate methodology, tree mitigation fees shall be calculated based on the extrapolated test plot data and test plot delineation overlaid site-wide.

[2] Diameter at breast height.

(6) Conservation Credits. Conservation credits allow applicants to lower their mitigation points thereby reducing or eliminating mitigation fees. If the calculation results in a negative balance the default balance is zero. (Negative balance do not result in payment to the applicant). Balances with decimals will be rounded up when the decimal is five (5) or greater and rounded down if the decimal is less than five (5). A negative balance cannot offset a heritage tree outside of the footprint. However, a negative balance can be used to offset a heritage tree mitigation fee on a residential lot when the tree is located within the footprint of the residential unit, and there is no alternative to reposition the residential unit location on the lot to avoid removal of the tree.

Mitigation Points Conservation Credits = Balance ≥ zero

a. Credits apply to preserved trees, newly planted trees represented on a landscape plan that comply with the size requirements in Chapter 4, Article III., Section 4.3.2. of this ULDC, and relocated trees as follows:

TABLE 6.7.4.3.

Conservation Credits

Preserved (Remaining or Relocated Onsite) Tree Species or Type	**Conservation Credit Point Basis**
Heritage	DBH[1] multiplied by 3
Protected Pines, Oaks, or Native Trees	DBH multiplied by 2
Protected Sabal Palms	DBH
Other Trees on Master Tree List (Chapter 4, Article III., Section 4.3.4.)	DBH
Planted Trees by Species or Type	**Conservation Credit Point Basis**
Master Tree List (Chapter 4, Article III., Section 4.3.4.)	DBH at planting
Sabal Palms (4.5 feet or more of clear trunk height)	12 per Palm at planting
Relocated Offsite to Public Property[2] Tree Species or Type	Conservation Credit Point Basis
Heritage	DBH multiplied by 4
Protected Pines, Oaks, or Native Trees	DBH multiplied by 3

[1] Diameter at breast height.

[2] Tree relocation to public property. Upon notification by the ULDC Administrator that the City or other government agency is interested in relocation of a tree(s) from the applicant's property to public property, the property owner shall have the discretion to authorize the relocation and pay for the cost of tree relocation in return for conservation credits. The relocation shall be accomplished within fifteen (15) working days of the tree removal authorization unless it is necessary to root prune the tree(s) to assure survival, in which case the relocation shall be accomplished within thirty (30) working days.

(7) Tree Preservation and Protection During Construction. Prior to commencing work and throughout the duration of the clearing and/or construction all trees proposed to be removed shall be clearly marked with red flagging. Barricades shall be erected around the tree protection zone of trees to be preserved per Figure 6.7.4.2. The barricade and tree protection zone may be modified at the discretion of the ULDC Administrator.

Figure 6.7.4.1 Required Tree Protection Zones

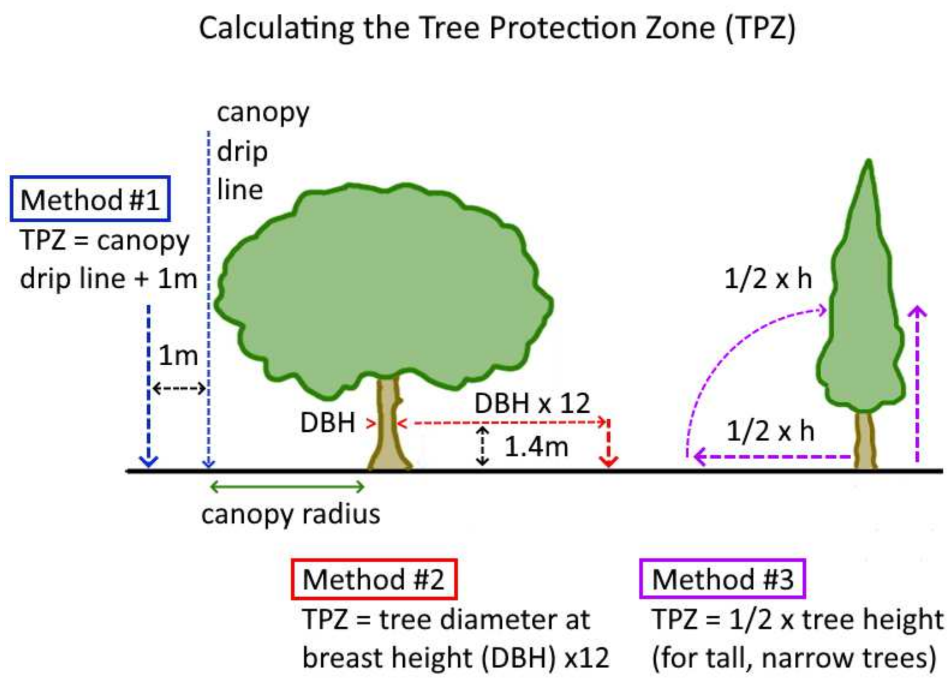
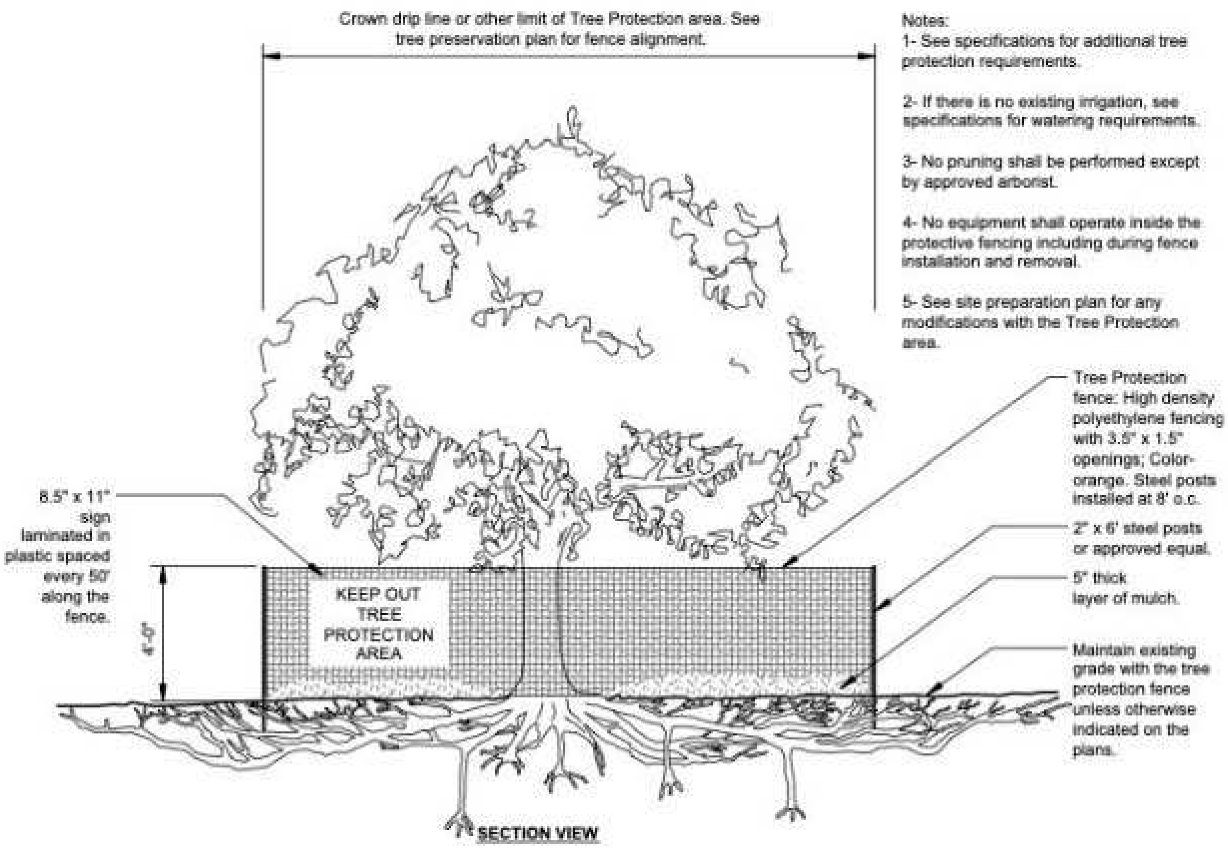


Figure 6.7.4.2. Tree Protection Zone Barrier



(8) The tree protection zone barrier shall meet the specifications shown in Figure 6.7.4.2. including:

a. Installation of a four- (4) foot fence around the tree protection zone of high-density polyethylene material with two and one-half (2.5) inch by one and one-half (1.5) inch openings; color of orange; two (2) inch by six (6) foot steel posts installed at eight (8) foot on center.

b. Place eight and one-half (8.5) inch by eleven (11) inch plastic laminated signs indicating, "KEEP OUT TREE PROTECTION AREA," spaced every fifty (50) feet along the fence.

c. Provide a five (5) inch layer of mulch inside the fenced area;

d. Maintain existing grade with the tree protection fence unless otherwise indicated on the approved engineering construction plans.

e. Removal of understory vegetation may only occur at time of final grading and accomplished only by mowing or hand-clearing.

(9) The following activities and uses are prohibited in the tree protection zone and barrier area:

a. Parking of heavy equipment, cars and trucks or vehicular traffic;

b. Stockpiling of any materials;

c. Deposition of soil, or sediment;

d. Grading or grubbing;

e. Excavation or trenching;

f. Burning or burial of debris (within the entire construction site);

g. Dumping oil, gasoline, paint, chemicals, wastewater, or other construction wastes. Potentially hazardous materials shall be stored in appropriate, non-leaking containers as far away from tree protection zone as possible.

B. Tree Removal on Developed Property.

(1) Site Plan Required. A site plan showing the location of the primary structure, access points, parking areas, and other similar information that may be requested by the ULDC administrator, is required to be submitted with requests for tree removal authorization. The plan must show all trees on the property including species and DBH.

(2) Tree removal on developed property may be authorized for the following reasons subject to tree replacement, if replacement is required, to comply with minimum planting requirements or compliance with an approved landscape plan per Chapter 4, Article III.

a. Hazard. A tree that constitutes a hazard to life or property;

b. Poor tree health. Tree is diseased, lacking functioning vascular tissue, or deteriorating to such a state that restoration methods to bring the tree to a sound condition are not practical; or the tree has a disease that can be expected to be transmitted to other trees.

c. Occupied structure. The tree is located within fifteen (15) feet of an occupied structure but not on an adjacent property under separate ownership.

d. Additions and accessory structures. The tree is located within the footprint of the proposed building addition or accessory structure, or within fifteen (15) feet of the proposed structure, but not on an adjacent property under separate ownership.

(3) Mitigation Fees. Payment of mitigation fees pursuant to 6.7.4.1.E. shall not apply to hazardous trees or trees in poor health and will only apply to healthy trees proposed for removal if a conservation credit was applied for preservation of the tree when the site was initially developed.

[Added 8-6-2024 by Ord. No. 2024-13, § 3.05(Exh.A)]

ARTICLE VIII. WETLAND PROTECTION REGULATIONS

Sec. 6.8.1. Generally.

A. Recognizing the crucial natural function of wetlands in flood control, water quality and quantity, and wildlife preservation, the purpose of this article is to preserve, protect, and enhance wetlands within the City, based on a policy of no net loss of wetland function.

B. The regulations in this article apply to all wetland areas as defined in Chapter 62-340, Florida Administrative Code (FAC).

C. If the wetland is within the Conservation Restricted Overlay Zone, or the Myakka River Protection Zone (MRPZ), the provisions of Article III. and Article VI. of this Chapter apply in addition to the regulations in this article.

D. The regulations in this article are not intended to interfere with, abrogate, or annul any other City rule or regulation, statute, or other provision of law. Where any of these regulations or any other City, County, State or Federal rule, regulation or other provision of law are in conflict, whichever provisions are most restrictive or impose highest standards shall prevail, to the extent not preempted by such other law. Additionally, these regulations are not intended to abrogate any easements, covenant, or any other private agreement or restriction. However, where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or private agreement or restriction, the provisions of these regulations shall govern.

[Added 8-6-2024 by Ord. No. 2024-13, § 3.05(Exh.A)]

Sec. 6.8.2. Transfer of development rights.

Given the environmental sensitivity of the wetlands, the City prioritizes their preservation, maintenance, and enhancement over authorizing impacts through the development approval process. Therefore, wetland areas as defined in Chapter 62-340 qualify as Sending Zones for purposes of Transfer of Development Rights per Chapter 1, Article IV. of this ULDC.
[Added 8-6-2024 by Ord. No. 2024-13, § 3.05(Exh.A)]

Sec. 6.8.3. Relationship to state and federal regulations.

A. Single-family lots, platted by the General Development Corporation, are regulated by the Florida Department of Environmental Protection (FDEP), and may be regulated by the U.S. Army Corps of Engineers (USACE). All other development is regulated by the Southwest Florida Water Management District (SWFWMD) and may be regulated by the USACE. Any filling of wetlands shall require mitigation in accordance with the FDEP/ SWFWMD and a consultation with the USACE.

B. The City of North Port shall rely on the delineation of wetlands and surface waters by the FDEP and/or SWFWMD. This delineation shall be accurately reflected in the construction plans that are submitted to the City for review.

C. Prior to commencing construction in any wetland area as defined herein, all required state and federal approvals shall be obtained and submitted to the City. In cases when a state or federal permit is not required, a copy of an exemption letter from the respective agency shall be presented to the City before commencement of development.
[Added 8-6-2024 by Ord. No. 2024-13, § 3.05(Exh.A)]

Sec. 6.8.4. Exemptions.

The following activities are exempt from the requirements of this article; however, all other applicable permits shall be obtained, and if applicable the property owner must obtain a verification of exemption or permit from FDEP, SWFMD, or USACE prior to commencing work.

A. Routine maintenance or emergency repair to existing structures or improved areas. There shall be no increase in size or coverage of the structure or other improved area.

B. One-and-two-family dwellings constructed prior to the adoption of this article are exempt from the upland buffer requirement.

C. Exempt docks per Florida Statutes and Florida Administrative Code.

D. Selective cutting and hand-removal of problematic vegetation including Cattails (Typha spp.), Primrose Willow (Ludwigia spp.), Wild Taro (Colocasia esculenta), Elephant-Ear (Xanthosoma sagittifolium), Giant Reed (Phragmites spp.), Paragrass (Brachiaria mutica), Punk Tree (Melaleuca quinquenervia), Elderberry (Sambucus canadensis), China-berry (Melia azedarach), Castor Bean (Ricinus communis), Chinese tallow tree (Sapium sebiferum), and Brazilian Pepper Tree (Schinus terebinthifolius). Additionally, cutting and hand removal of any other Category I or Category II invasive plant species as identified by the Florida Invasive Species Council.

E. Hand clearing of native vegetation within a wetland buffer if needed to provide access to the shoreline as authorized by FDEP, SWFMD, or USACE.

F. Hand-cleared primitive trails four (4) feet or less in width having no structural components, introduced substrate materials (e.g., flagstone, mulch, gravel, sand, etc.), or other improvements.

G. Repair or maintenance of ditches, water retention areas, public road and other rights-of-way, and similar drainage systems provided such work is limited to that needed to restore the site to original design specifications.

H. Repair or maintenance of ditches or dikes related to bona fide mosquito control activities providing such work is limited to that needed to restore the site to original design specifications.

I. Activities within artificial wetlands created as part of a manmade treatment system, provided they are not connected to a non-isolated wetland, river, stream, or lake.
[Added 8-6-2024 by Ord. No. 2024-13, § 3.05(Exh.A)]

Sec. 6.8.5. Protection regulations.

A. The City shall prioritize wetland protective activities as follows: First priority, avoid filling wetland resources; second priority, minimize adverse impacts to those wetlands that cannot reasonably be avoided, and third (least favorable) provide compensatory mitigation via the state permitting process. If the ULDC Administrator determines avoidance would result in conditions listed in subsections (1) or (2) below, approval to impact or mitigate wetlands will be granted subject to state or federal permits being obtained prior to commencing construction.

(1) The ULDC Administrator determines that a primary structure and common residential accessory structures of a scale consistent with other one-and-two-family development in the City may not be developed in conjunction with the wetland preservation.

(2) The ULDC Administrator determines, for all other development types, that the site may not be redesigned at the same level of intensity in conjunction with the wetland preservation due to flood zones, soils or topography of the site, access management constraints, or height restrictions.

B. Wetlands, whether endemic or artificially created or otherwise altered, may be protected, maintained, and/or enhanced under a conservation easement and maintained in accordance with Florida Statutes 704.06., which conservation easement shall be required in association with an authorization for Transfer of Development Rights. Dedication of the conservation easement may be offered to the SWFWMD, other applicable state environmental regulatory agencies, and private, nonprofit ecological preservation societies until one (1) party agrees to assume the easement and provide for perpetual maintenance. If not dedicated the property owner shall be responsible for ongoing maintenance pursuant to the conservation easement.

C. The use of heavy equipment in a wetland during construction will be prohibited, unless specifically authorized by FDEP/SWFWMD and the impacts mitigated.

D. Stormwater facilities may incorporate isolated wetlands into stormwater management systems, provided that the stormwater runoff is pre-treated prior to entering the wetland, so that the wetland is used for nutrient reduction and volume attenuation.

E. Development Approval Required. It is hereby unlawful for any person to engage in any activity which will remove, fill, drain, dredge, clear, destroy, or alter any wetland or adjacent upland buffer area, without obtaining a wetlands alteration permit or exemption from all appropriate jurisdictional agencies. Application shall be made to the City as part of the applicable application for development plan approval per subsection 6.1.2.B.

F. Buffer Requirements.

(1) Buffer zones shall be established upland of the landward extent of the wetland jurisdictional line as defined by SWFWMD criteria. The size of the buffer shall vary accordingly in proportion with the ecological value of the adjacent wetland, based on the following classifications:

Isolated: On-site wetlands that are entirely isolated hydrologically from offsite wetlands and are not considered waters-of-the-state.

Non-isolated: On-site wetlands that are connected hydrologically to offsite wetlands; however, the connection is not through permanent standing water.

River, Stream, or Lake: On-site wetlands which are riparian or otherwise connected to offsite wetlands via permanent bodies of water.

(2) The following buffers, which may coincide with a portion of the required building setback shall be required:

Wetland Classification	**Width**
Isolated	25-feet
Non-isolated	35-feet
Canal	35-feet
River/Stream/Lake	50-feet

The buffer may be modified along the perimeter of the wetland system to accommodate the development design. In this case, the upland buffer shall be located such that no less than average and minimum buffer, as listed below, exists along the perimeter of the wetland system.

Wetland Classification	Average Width	Minimum Width
Isolated	25-feet	15-feet
Non-isolated	35-feet	15-feet
Canal	35-feet	15-feet
River/Stream/Lake	50-feet	35-feet

In no case shall a buffer impede reasonable access to a body of water. If the lake or open water body is wholly owned and contained within a single lot or parcel, the buffer may be modified to allow for greater water access. In this case, the upland buffer shall be located such that not less than an average of twnety-five (25) feet of total upland buffer with a minimum of fifteen (15) feet width exists along the perimeter of the wetland littoral zone. This regulation will become effective on July 1, 2027, or upon amendment, expiration, or repeal of Chapters 2023-304 and 2023-349, Laws of Florida; voluntary compliance is encouraged in advance of the effective date of this provision.

(3) Within the wetland buffer, native vegetation shall be preserved, restored, or otherwise maintained within a belt no less than fifteen (15) feet wide, sited adjacent to and landward of the State's wetland jurisdictional boundary. This native vegetation belt shall not be subject to mowing, trimming, or chemical spraying.

(4) Stormwater swale encroachment within the upland buffer shall be limited to fifty percent (50%) of the buffer width if approved by the appropriate regulatory agencies. However, stormwater swales shall not infringe on the ten (10) foot wide native vegetation belt.

[Added 8-6-2024 by Ord. No. 2024-13, § 3.05(Exh.A)]

Sec. 6.8.6. Erosion and sediment control required.

A. Erosion control plans will be required for all development in areas sited on or immediately above (within fifty (50) feet) a slope of ten percent (10%) or more, upslope of nearby aquatic habitats, or within four hundred (400) feet of the state's wetland jurisdictional boundaries.

B. Standard practices shall be used to prevent erosion and offsite soil deposition via water and air currents. Erosion rates are influenced by soil characteristics, plant cover, topography, and climatic conditions. The following principles must be considered when planning and undertaking construction within a development:

(1) Plan for the development project to fit the topography, soils, and drainage patterns;

(2) Minimize the extent and duration of the area's exposure at one (1) time;

(3) Schedule the exposure of areas with the greatest erosion potential for the dry season (November through April), rather than the wet season (May through October);

(4) Apply erosion control practices to minimize erosion from undisturbed areas;

(5) Use turbidity barriers to minimize impacts to wetlands;

(6) Apply perimeter controls to protect the disturbed area from offsite runoff and to trap eroded material onsite, preventing sedimentation in downstream areas;

(7) Stabilize the undisturbed area immediately after the final grade is attained or during interim periods of inactivity due to construction delays; and

(8) Implement a maintenance and follow-up program.

C. Erosion and Sediment Control Plan Requirements: The plan must consider the site-specific erosion potential, including slopes, soil erodibility, extent and type of plant cover, and runoff characteristics. Projects with larger exposed areas, long duration of construction, steep slopes, erosive soils, or close proximity to streams, lakes or other wetlands, will require more detailed and comprehensive plans. The following information must be included in the plan and shall be shown on the development construction plans or other appropriate documents.

(1) The existing and proposed topography, mapped to scale;

(2) The distribution of soil types as identified and mapped to scale by the U.S. Department of Agriculture's Soil Conservation Service (NRCS) for Sarasota County. A table describing the erodibility potential for each soil type as determined by the NRCS shall also be included;

(3) The schedule and general description of each construction phase of the project. At a minimum, the following applicable phases must be addressed: clearing, excavation, earthwork, embankment earthwork, site utilities, roads, site grading and stabilization. The schedule must include the estimated starting date and duration. Description must include area boundary by each phase; and

(4) Specific erosion control measures shall be described and illustrated on construction plans or detail sheets for each phase. Such information shall include the following:

a. Estimated date of installation and removal for erosion control elements;

b. Thorough descriptions of the materials used in the construction of erosion control elements. Descriptions should include any references to industry- or government-approved standards and design specifications associated with each erosion control element;

c. Placement and function of each type of erosion control element;

D. No more than fifteen (15) days may elapse between site clearance and construction commencement; no more than thirty (30) days may elapse between construction completion and the beginning of ground cover restoration.
[Added 8-6-2024 by Ord. No. 2024-13, § 3.05(Exh.A)]

ARTICLE IX. GROUNDWATER WELLHEAD PROTECTION

Sec. 6.9.1. Generally.

The purpose of groundwater protection standards is to safeguard the health, safety, and welfare of the citizens of the City of North Port. This is accomplished through ensuring the protection of the principal source of water for domestic, agricultural, irrigation and industrial use. The availability of adequate and dependable supplies of good water is of primary importance to the future of the City of North Port. Therefore, standards are described in this section with the intent of protecting both the quantity and quality of the groundwater supply. It is further the intent of this section to control development adjacent to major wellheads to protect water supplies from potential contamination.
[Added 8-6-2024 by Ord. No. 2024-13, § 3.05(Exh.A)]

Sec. 6.9.2. Protection regulations.

A. All applications for development approval must specify potable water demands. For those developments with required accumulated capacity exceeding one hundred thousand (100,000) gallons per day ("GPD"), a Developer's Agreement will be required that will specify the method of potable supply by the City of North Port and/or the developer. In such instance that new potable supply wells are required to serve the development, the project applicant shall demonstrate that:

(1) There will be no significant adverse impact on minimum groundwater levels; and

(2) There will be no significant adverse impact from saltwater intrusion;

(3) All major potable wells will be dedicated to the City; and

(4) Any major irrigation wells will be specifically addressed in a Developer's Agreement.

B. Wherever adverse groundwater withdrawal impacts have been identified through water quality and quantity monitoring activities, all development approvals for activities that require the use of groundwater wells shall be coordinated with and approved by the Southwest Florida Water Management District and the Sarasota County Department of Health.

C. All site plans that accompany applications for development approval shall depict the location of all active and inactive wells measured from a one thousand 1,000-foot radius from the property line. Applications for development within exclusionary zones shall also require submittal of a groundwater/wellhead impact report. The purpose of this report is to provide evidence of the probable impact of the proposed development on the groundwater supply and recharge potential of the area. The report shall also identify all existing land uses within the exclusionary zones for the subject major wellhead.

D. Where abandonment of wells is reasonably necessary to protect the groundwater resources, the development approvals shall be conditioned upon the submission of a management plan, which provides for the proper abandonment or rehabilitation of existing unused wells, in conformance with the requirements of the Sarasota County Department of

Health and the Southwest Florida Water Management District, pursuant to Chapter 373, Florida Statutes, and Chapters 40D-3, 62-524, 62-531, 62-532, and 62-555, Florida Administrative Code, as amended.

E. Exclusionary Zones. In addition to the requirements set forth Paragraph B., above, two (2) exclusionary areas shall be established around any major wellhead:

(1) The area within five hundred (500) feet of an existing or designated major wellhead shall be a zone of exclusion, where no new commercial or industrial development, nor septic tanks, leaching fields and facilities delineated under subsection (2) below, shall be permitted.

(2) Within a designated zone of secondary exclusion, which shall extend one thousand (1,000) feet from a designated major wellhead, the following uses shall be prohibited:

a. Animal feed lots.

b. Commercial or industrial uses of materials covered under Chapter 442, Florida Statutes, as amended (Florida Substance List, as amended), and Chapter 38F-41, Florida Administrative Code, as amended, unless served by approved wastewater treatment facilities;

c. Facilities for the bulk storage, handling, or processing of materials on the Florida Substance List (Chapter 442, Florida Statutes, as amended). Wellhead emergency generators which are required are exempt, but the highest level of engineering standards for petroleum product storage and delivery shall be required;

d. Junkyard or salvage operations;

e. Landfills;

f. Mines;

g. Pesticide storage facilities;

h. Wastewater treatment plants;

F. Well Construction. All wells constructed in the City of North Port shall conform to the laws and regulations set forth in subsection C. above.

G. Developers may be required to enter into a Developer's Agreement, which may include provisions for contribution of major groundwater wells to the City.
[Added 8-6-2024 by Ord. No. 2024-13, § 3.05(Exh.A)]